

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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MLB PLAYERS INC.,

v.

UNDERDOG SPORTS, INC., UNDERDOG
SPORTS LLC, UNDERDOG SPORTS
WAGERING, LLC, and FANDUEL INC.,

Defendant.

No. 24-cv-7958 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On October 23, 2024, the Court received a letter from Defendant Underdog Sports, Inc. asking the Court to adjourn the deadline for filing its motion to dismiss and to instead impose a simultaneous briefing schedule for both the motion to dismiss and Plaintiff MLB Players Inc.’s motion to remand. Doc. No. 8. Co-defendant FanDuel, Inc. joined that request. Earlier today, MLB Players Inc. filed a responsive letter proposing a sequenced briefing schedule where the motion to remand would be briefed and resolved before the motion to dismiss. Doc. No. 12.

The Court hereby adopts MLB Players Inc.’s proposed briefing schedule. “Because a holding that the [Court] lack[s] removal jurisdiction would end [the] inquiry,” the Court will “first address . . . plaintiff’s motion to remand the case to state court for lack of jurisdiction.” *Broder v. Cablevision Sys. Corp.*, 418 F.3d 187, 194 (2d Cir. 2005); *see also Cotter v. Milly LLC*, No. 09-cv-4639 (PGG), 2010 WL 286614, at *2 (S.D.N.Y. Jan. 22, 2010). Accordingly, the Court orders the following schedule for the motions:

- MLB Players Inc.'s motion to remand: November 18, 2024
- Defendants' opposition to remand: December 2, 2024
- MLB Players Inc.'s reply on remand motion: December 9, 2024
- Defendants' responsive pleading or motion: 14 days after court order on remand

SO ORDERED.

Dated: October 24, 2024
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', with a long horizontal flourish extending to the right.

Ronnie Abrams
United States District Judge